REMARKS

Claims 18-36 are currently pending, with claims 18, 31, and 33 being independent.

Applicants wish to thank Supervisory Examiner James Trammell for the telephone interviews conducted on October 19, 2004 and October 27, 2004 with Applicants' representative, Joseph Key. Applicants thank Supervisory Examiner Trammel for removing the finality of office action mailed on October 13, 2004.

Claims 18-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chelliah et al. (U.S. 5,710,887) in view of both Pistriotto et al. (U.S. 6,138,162) and the Applicants' own admissions (APA). Applicants have amended independent claim 18 to obviate the rejection with respect to claim 18 and its respective dependent claims. Applicants respectfully traverse the rejection with respect to independent claims 31 and 33 and their respective dependent claims.

This reply first addresses the rejection with respect to claims 18-30 then claims 31 and 32, and finally claims 33-36.

Claims 18-30

As amended, independent claim 18 recites a method of collecting consumer data that includes, among other features, modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of services to record the consumer's network activity. The network activity is recorded and compiled on an individual consumer basis and an aggregated consumer basis using the assigned unique identifiers, which are identifiers that are persistent across different network sessions.

Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claim 18 and its dependent claims because Chelliah, Pistriotto and APA fail to describe or suggest one or more of these features, whether considered individually or in combination.

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Chelliah describes an electronic mall that presents a number of electronic storefronts that a user may interact with to purchase items. See Chelliah, col. 6, lines 26-31 and lines 37-40. When the user selects an electronic storefront (e.g., the GAP), a commerce subsystem is invoked corresponding to the electronic storefront selected. The electronic mall enables the electronic storefronts to customize a commerce subsystem to be presented in response to selection by a user. Specifically, the electronic mall provides a collection of standard, but different, commerce subsystems for selection by its constituent storefronts. See Chelliah, col. 6, lines 66 to col. 7, line 6.

Chelliah fails to describe or suggest assigning a unique identifier to at least one of the registered consumer and a computer of the registered consumer that is connected to a network to record network activity of the consumer using the unique identifier at the provider of services, where the unique identifier is persistent across different network sessions. Instead, Chelliah describes a session_ID that is used to identify a particular shopping session. A session_ID that identifies a particular session is different than a unique identifier assigned to a registered consumer or to a computer of the registered consumer because the session ID is only valid for the period of the particular session and is not persistent across the different network sessions. The claimed unique identifier, as a consequence of its persistence, enables the network activity of the registered consumer to be recorded without regard to any particular session and across multiple sessions.

Additionally, Chelliah fails to describe or suggest modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of services to record the consumer's network activity. Chelliah also fails to describe or suggest that a provider of services is used to receive data requests, record the data requests as associated with the unique identifier, and communicate the data request to the destination server capable of fulfilling the request. As claimed, the provider of services also receives the data in response to the data requests, records the received data as associated with the unique identifier, and communicates the data from the destination server to the registered consumer's computer. Notably, the office action acknowledges that

Chelliah does not describe or suggest these features. See office action mailed October 13, 2004 at page 4.

Pistriotto and APA do not remedy the many failures of Chelliah. In general, Pistriotto describes a computer network that includes a client, a caching proxy server, and a destination computer. "In order to reduce network traffic, the destination computer may redirect the client's request messages to a caching proxy server, which is preferably located behind the same firewall or gateway as the client." See Pistriotto at abstract. The caching proxy server is used to fulfill data requests from the client to alleviate problems of destination computers that are overwhelmed by requests. Thus, Pistriotto does not describe or suggest modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of services to record the consumer's network activity.

Furthermore, Pistriotto also fails to describe or suggest other features recited in amended claim 18, three of which are discussed below.

First, Pistriotto does not describe a provider of services that is located at a domain on the network to record network activity of the registered consumer. Instead, Pistriotto describes a caching proxy server that is part of an intranet along with the client computer.

Second, Pistriotto does not describe recording any network activity of the registered consumer. Rather, Pistriotto describes a caching proxy server that is used to fulfill certain requests for data from the client instead of fulfilling the requests from the destination to alleviate network traffic.

Third, Pistriotto does not describe assigning a unique identifier to the registered consumer or the computer of the registered consumer, where the unique identifier is persistent across different network sessions to enable recording the network activity of the registered consumer using unique identifier at the provider of services.

The office action relies upon the abstract of Pistriotto to describe or suggest each of the features discussed above. However, the abstract only describes that the destination computer redirects the client's request messages to a caching proxy server in order to reduce network

traffic. Pistriotto does not describe or suggest any recording activity of data requests from the registered consumer's computer to a destination server or recording activity of any data that fulfills those data requests from the destination server back to the consumer's computer by a provider of services.

APA also does not describe or suggest any of these recited features. In fact, APA teaches away from modifying a browser application on the registered consumer's computer to enable communications sent to and from the registered consumer's computer to be directed through the provider of services located at a domain on the network to record network activity of the registered consumer. Instead, APA describes two other types of systems that may be used to record a consumer's activity, each of which have disadvantages over the method described in the recited claims.

One example data collection strategy described is a server-side consumer data collection strategy in which an individual Internet content provider ("website") monitors and collects data about each consumer who has requested data from or visited the website and then compiles information about all the consumers who have visited that website. However, this type of data collection is only capable of collecting data about a consumer's activities at a single website as it is that website itself that is collecting the data.

In amended claim 18, the network activity of a registered consumer is not collected at any one particular website that is visited. Rather, the network activity of the consumer is recorded as the consumer requests information from different destination servers because the browser application has been modified to direct communications sent to and from the registered consumer's computer through the provider of services, which is located at a domain on the network, to record the network activity of the registered consumer. As the consumer visits different destination servers, their network activity is recorded because the recording is taking place at the provider of services and not at the destination server.

Another form of data collection that is discussed in APA is a client-side data collection method. As described in the APA, "[s]uch systems commonly involve installing a large and cumbersome software application on to the consumer's computer, which operates at the same

time as internet browser application software. The software then collects data about the consumer's Internet usage, i.e., which website the consumer has visited. The data is then uploaded to a data collecting computer on the Internet." Thus, this type of data collection does not involve modifying a browser application to direct communications sent to and from the registered consumer's computer through the provider of services where the network activity of the consumer is recorded. Instead, this type of data collection uses a separate application on the client machine to collect data.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claim 18 and its respective dependent claims.

Claims 31 and 32

Independent claim 31 recites a method of recording at least part of data transmitted during a secure session of network communication that includes, among other features, negotiating by a server of the provider of services a separate secure session with the computer of the consumer, thus initiating a secure session with the computer of the consumer. The server of provider of services also negotiates another secure session with the destination server to which the data request is being communicated. The provider of services communicates the data requests to the destination server and receives the requested data over the secure session negotiated with the destination server. At least part of the data from the data server is recorded at the provider of services. The received data is readdressed for delivery to the consumer's computer using the secure session between the server of the provider of services and the computer of the consumer.

Thus, the server of the provider of services securely transfers data to and from the consumer's computer to a destination server using two separately negotiated secure sessions, namely one session between the consumer's computer and the server of the provider of services and another session between the server of the provider of services and the destination server. The provider of services also records at least a part of the secure data that fulfills the data requests.

Chelliah, Pistriotto, and APA, either alone or in combination, fail to describe or suggest one or more of the above-noted features of claim 31. Chelliah simply does not discuss the notion of using any type of secure session. Moreover, Chelliah does not describe a provider of services that functions to negotiate two separate secure sessions and to record at least part of the secure data that is being communicated from the destination server back to the consumer's computer, where the data request and the data fulfilling the request are communicated using the separately negotiated secure sessions through the provider of services.

Pistriotto and APA do not remedy these failures of Chelliah. As discussed above with respect to amended independent claim 1, Pistriotto does not describe or suggest any recording of the network activity of the registered consumer. Furthermore, Pistriotto does not describe negotiating separate secure sessions using a caching proxy server. In fact, Pistriotto does not describe establishing secure sessions with the client computer or the destination computer. APA also does not describe or mention any notions of using any type of secure session.

To support this rejection, the office action solely relies on the fact that the Applicants disclose using a browser, such as Netscape Navigator or Microsoft Internet Explorer. The fact that Applicants have disclosed using one of these browser applications as an example of a browser type and the fact that they may be capable of secure online browsing, does not describe or suggest that a provider of services, which is the entity that is recording the consumer network activity, establishes two separate secure sessions, namely one with the registered consumer's computer and one with the destination server. The mere disclosure of a browser in no way renders claim 31 obvious to one skilled in the art.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 31 and its dependent claim 32.

Claims 33-36

Independent claim 33 recites a method of collecting consumer data transmitted during secure sessions of network communication that includes, among other features, creating a panel of consumers and measuring network activities on the network between computers operated by

members of the panel and computers of multiple third party providers of services and information on the network. The measuring of network activities occurs during secure sessions of communication between computers operated by members of the panel and computers operated by providers of services and information. The measuring of network activities occurs at a point on the network between the computers of the members of the panel and third party providers of network services and information. Furthermore, the point on the network where the measuring network activities occurs is other than the computers of the panel members and computers of the third party providers.

Applicants respectfully request reconsideration and withdrawal of the rejection because Chelliah, Pistriotto, and APA, either alone or in combination, fail to describe or suggest one or more of these features. Specifically, Chelliah does not create a panel of consumers and does not measure the secure session network activities of the panel at a point on the network between computers of the panel members and a third party provider of services. Rather, Chelliah describes an electronic mall that a user may enter to purchase items from different electronic storefronts. Chelliah does not describe measuring network activities that occurs during secure sessions at a point on the network between the members of the panel and third party providers of network services.

Pistriotto and APA fail to remedy these shortcomings of Chelliah. Pistriotto, as discussed above, describes a caching proxy server that is used to reduce network traffic and does not describe or suggest measuring network activities during secure sessions of communications between computers operated by members of the panel and computers operated by providers of services and information.

Similarly, APA also does not describe or suggest these features. As discussed above with respect to independent claim 18, APA instead describes other previously proposed Internet monitoring activities and does not describe measuring network activities of secure sessions at a point on the network between computers of the members of the panel and a third party provider of network services and information.
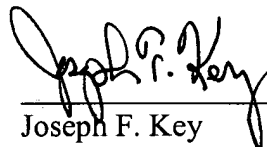
For at least these reasons, Applicants respectfully request reconsideration and withdrawal of rejection of independent claim 33 and its respective dependent claims.

Enclosed is a $60 check for the Petition for Extension of Time fee. During prosecution of this application, please apply any deficiencies or credits to deposit account 06-1050.

Respectfully submitted,

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Joseph F. Key
Reg. No. 44,827

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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